

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CRYSTALLEX INTERNATIONAL CORP.,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

C.A. No. 17-mc-00151-LPS

**DECLARATION OF JUSTIN M. ELLIS IN SUPPORT OF
RED TREE INVESTMENTS, LLC'S MOTION TO INTERVENE
AND TO MODIFY THE SALE PROCEDURES ORDER**

JUSTIN M. ELLIS declares as follows pursuant to 28 U.S.C. § 1746:

1. I am a member in good standing of the bar of the State of New York. I am a partner at MoloLamken LLP, and I represent Red Tree Investments, LLC ("Red Tree"). I am appearing before this Court *pro hac vice* on behalf of Red Tree. I submit this Declaration in support of Red Tree's Motion To Intervene and To Modify the Sale Procedures Order.

2. As of the date of this declaration, the total amount owed to Red Tree by PDVSA under the judgments issued in Nos. 19 Civ. 2519 and 19 Civ. 23 (S.D.N.Y.), including post-judgment interest at the rates set forth in the judgments, is \$260,891,555.30.

3. Counsel for Red Tree first contacted counsel for the Special Master about the PDVH sales process on February 15, 2022. After that, Red Tree continued to communicate with counsel for the Special Master by phone, letter, and email on August 1, 16, and 24, and September 1, 9, and 21, and October 10 and 19, 26, and 28.

4. On October 19 and 26, 2022, Red Tree communicated to counsel for the Special Master that it would be willing to contribute *pro rata* (based on the amount of each party's

judgment) towards the Special Master's costs going forward. Red Tree remains willing to do so.

5. On October 26, 2022, counsel for the Special Master informed me that the Special Master does not object to Red Tree moving the Court to amend the Sale Procedures Order to add Red Tree as a party.

6. On October 27, 2022, I emailed all counsel who have entered an appearance for Crystallex International Corp. ("Crystallex") in this matter to ask whether Crystallex objects to Red Tree moving the Court to amend the Sale Procedures Order to add Red Tree as a party. On November 3, 2022, I called counsel for Crystallex and left a voicemail, but did not receive a response. On November 4, 2022, I called counsel and Delaware counsel for Crystallex and left voicemails for each, but did not receive a response. I followed up by email again on November 4, 2022. That same day, counsel for Crystallex responded and asked for clarification about Red Tree's willingness to contribute to the Special Master's fees. I provided that clarification in an email the same day. Red Tree remains available to productively engage with Crystallex about this motion.

7. On October 28, 2022, counsel for Phillips Petroleum Company Venezuela Limited, and ConocoPhillips Petrozuata B.V. (collectively, "ConocoPhillips") informed me that ConocoPhillips does not object to Red Tree moving the Court to amend the Sale Procedures Order to add Red Tree as a party.

8. On November 1, 2022, counsel for Bolivarian Republic of Venezuela, PDV Holding, Inc., PDVSA, and CITGO Petroleum Corp. (collectively, "Venezuela Parties") informed me that the Venezuela Parties object to Red Tree moving the Court to amend the Sale Procedures Order to add Red Tree as a party.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: November 4, 2022
New York, New York

A handwritten signature in black ink, appearing to read "JME", is written above a horizontal line.

Justin M. Ellis